

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION**

**BRITTANY ANDERSON**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO. 5:19-cv-10-DCB-MTP**

**AMITE COUNTY SCHOOL DISTRICT**

**DEFENDANT**

**ORDER**

THIS MATTER is before the Court on Defendant's Motion [14] for Stay Pending Ruling on Dispositive Motion. Plaintiff filed this matter on February 5, 2019 alleging that a bus driver employed by Defendant assaulted her with a school bus. On April 16, 2019, Defendant filed a Motion [5] for Judgment on the Pleadings seeking dismissal of all claims except Plaintiff's gross negligence claim. Defendant asserts that it is immune from suit because most of Plaintiff's claims are barred by the Mississippi Tort Claims Act ("MTCA").

Defendant now requests that all discovery be stayed, pursuant to Federal Rule of Civil Procedure 26(c), pending ruling on the dispositive motion. Plaintiff has not responded to the Motion [14] and the time for doing so has passed.

Rule 26(c) provides in part that "[t]he court may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense...." The Court finds that there is good cause to stay discovery until the dispositive motion is addressed. The MTCA provides specific exemptions from tort liability, but a governmental entity may waive its immunity if it does not plead this affirmative defense or if it actively participates in litigation. *Alexander v. Newton Cty.*, 124 So. 3d, 688, 690-91 (Miss. Ct. App. 2013). Moreover, this Court has previously held in a similar matter that given "a Motion for Judgment on the Pleadings pending that should be dispositive... allowing discovery to go

forward is inappropriate.” *Patterson v. City of McComb, Miss.*, 2018 WL 4471778, at \*2 (S.D. Miss. 2018). Discovery should be stayed in this matter until the Motion [5] for Judgment on the Pleadings is decided.

IT IS, THEREFORE, ORDERED that Defendant’s Motion [14] for Stay Pending Ruling on Dispositive Motion is GRANTED. The deadlines in the Case Management Order are hereby rescinded. The parties shall contact the chambers of the undersigned within five (5) days after the Motion [5] for Judgment on the Pleadings is decided to set a Case Management Conference.

SO ORDERED, this the 29th day of May, 2019.

s/Michael T. Parker  
United States Magistrate Judge